

REMARKS

The Examiner has rejected the application on various bases. In response thereto, Applicant has amended the Application so as to overcome the rejections of the Examiner.

In particular, the Examiner has confirmed that each of the references cited in the parent applications, namely, Application Serial Nos. 10/108,117 and 09/709,144 have been considered. Under separate cover, a PTO-1449 identifying the foregoing references, along with one additional reference, namely, U.S. Pat. No. 4,998,990 issued to Richter et al (the '990 patent) was submitted. This reference was cited in a corresponding European Patent Application.

The Examiner has rejected the declaration inasmuch as the law firm has been amended. In response thereto, Applicant submits a clean copy of the original declaration. In addition, Applicant submits a power of attorney executed by the Assignee of the entire right, title and interest in and to the application with a properly executed statement under 37 CFR § 3.73. Accordingly, all issues relative to the declaration have been resolved.

The Examiner has rejected claims 2 through 4 under the judicially created doctrine of obviousness-type double patenting over claims 1 and 6 of U.S. Pat. No. 6,607,097 issued to Savage et al (the '097 patent). The Examiner has rejected claims 5, 6 and 8 under the judicially created doctrine of obviousness-type double patenting over claims 1 and 3 through 5 of the '097 patent in view of U.S. Pat. No. 5,743,435 issued to Tomic (the '435 patent). The Examiner has identified claim 7 as being allowable.

In response to the rejections, Applicant herewith submits a terminal disclaimer in compliance with 37 CFR § 1.321(c). The terminal disclaimer has been signed by the undersigned who is the attorney or record in the Application. Accordingly, with the submission of the terminal disclaimer, the rejections to claims 2 through 6 and 8 have been overcome.

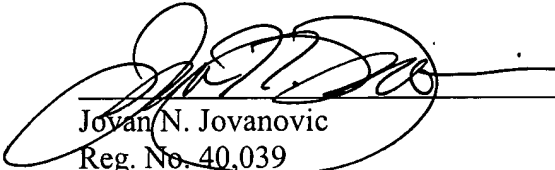
In light of the foregoing, Applicant submits that each of claims 2 through 8 should be deemed allowable at the present time. Reconsideration and passage to allowance is respectfully solicited.

Should the Examiner have any questions regarding the foregoing, a telephone call to the undersigned at (616) 355-0400 is respectfully solicited.

Respectfully submitted,

KING & JOVANOVIC, PLC

Dated: August 9, 2004



Jovan N. Jovanovic
Reg. No. 40,039

KING & JOVANOVIC, PLC
170 College Avenue, Suite 230
Holland, Michigan 49423
Phone (616) 355-0400
Facsimile (616) 355-9862